

FILED

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS – SAN ANTONIO DIVISION**

MAY 16 2011

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
[Signature]
DEPUTY CLERK

MEDICIS PHARMACEUTICAL CORPORATION and ALYZAN, INC.,)
Plaintiffs,)
v.)
STIEFEL LABORATORIES, INC.)
Defendant.)
)
)
)
)
Civil Action No. SA-10-cv-0621-OG

AGREED DOCKET CONTROL ORDER

In accordance with Joint Discovery Plan entered in this case, it is ORDERED that the following schedule of deadlines is in effect until further order of this Court:

May 13, 2011	Initial disclosures will be exchanges between the parties.
May 13, 2011	Plaintiffs shall provide to Defendant a disclosure of their asserted claims of the US Patent No. RE41,134 (the “134 patent”).
November 8, 2011	The parties shall exchange a list of claim terms that it contends should be construed by the Court, and the parties shall thereafter meet and confer for the purpose of limiting the terms in dispute.
November 22, 2011	The parties shall exchange preliminary proposed constructions of terms identified by the parties, and shall meet and confer.
December 16, 2011	Privilege logs to be exchanged by the parties.
December 20, 2011	The parties shall file with the Court their respective opening claim construction briefs.
January 20, 2012	The parties shall serve responding claim construction briefs, along with responsive expert declarations.

<u>February 27, 2012</u>	Markman Hearing at 9:00 a.m. at the United States District Court, 655 E. Durango Blvd., Courtroom of Judge Orlando Garcia, San Antonio, Texas.
	If a party is relying upon advice of counsel as part of a claim or defense, the party must make the required disclosure within thirty (30) days after the Court's entry of a claim construction order or thirty (30) days before the close of fact discovery (whichever) occurs earlier, or shall not be permitted to rely upon the advice of counsel.
January 17, 2012	Motions to amend or to add new parties to be filed.
March 2, 2012	Close of fact discovery.
April 17, 2012	Expert reports with respect to all issues on which such party bears the burden of proof shall be due.
May 8, 2012	Responsive expert reports shall be due.
May 25, 2012	Reply expert reports shall be due.
July 20, 2012	Close of expert discovery.
August 17, 2012	Dispositive motions (including <i>Daubert</i> motions) shall be due.
September 14, 2012	Responsive briefs to dispositive motions (including <i>Daubert</i> motions) shall be due.
September 28, 2012	Reply briefs to dispositive motions (including <i>Daubert</i> motions) shall be due.
<u>January 23, 2013</u>	9:00 a.m. PRETRIAL CONFERENCE at the United States District Court, 655 E. Durango Blvd., Courtroom of Judge Orlando Garcia, San Antonio, Texas. All pending motions will be heard.
<u>February 25, 2013</u>	9:00 a.m. JURY TRIAL at the United States District Court, 655 E. Durango Blvd., Courtroom of Judge Orlando Garcia, San Antonio, Texas.

For good cause shown, it is so ordered.

Dated this 16 day of May 2011.

Hon. Orlando Garcia
United States District Judge

Respectfully submitted,

/s/ John C. Cave

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